

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                                  |   |                          |
|----------------------------------|---|--------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) | <b>CASE NO. 8:08CR61</b> |
|                                  | ) |                          |
| <b>Plaintiff,</b>                | ) |                          |
|                                  | ) | <b>MEMORANDUM</b>        |
| <b>vs.</b>                       | ) | <b>AND ORDER</b>         |
|                                  | ) |                          |
| <b>JOHN JANTZON,</b>             | ) |                          |
|                                  | ) |                          |
| <b>Defendant.</b>                | ) |                          |

This matter is before the Court on the Defendant's: appeal (Filing No. 52) from the Magistrate Judge's order (Filing No. 51) denying the Defendant's unopposed motion to continue trial; and motion for hearing (Filing No. 53).

Pursuant to 28 U.S.C. § 636(b)(1)(A) and NECrimR 57.2, the court has reviewed the order from which this appeal has been taken. In an appeal from a magistrate judge's order on a pretrial matter within 28 U.S.C. § 636(b)(1)(A), a district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); NECrimR 57.2(c).

The Court has carefully reviewed the record. Judge Gossett's order is not clearly erroneous or contrary to law. The request for a hearing is denied.

**IT IS ORDERED:**

1. The Defendant's appeal (Filing No. 52) is denied;
2. The Defendant's motion for a hearing (Filing No. 53) is denied; and
3. The Magistrate Judge's Order denying the Defendant's motion to continue trial (Filing No. 51), is affirmed.

DATED this 8<sup>th</sup> day of October, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge